

Minutes
Town of New Scotland
Zoning Board of Appeals
May 29, 2018
7:00 PM

Zoning Board Members:

Jeff Baker, *Chairman,*

Lance Moore, Steve Crookes, Edie Abrams, Michael Barton,

Lori Saba, Planning Board Secretary, Jeremy Cramer, Building Inspector
Crystal Peck, Zoning Board Attorney, Garrett Frueh, Town Engineer (Stantec Engineering)

Public Hearings:

- 1) **Variance Application # 522:** Application submitted by Ray Signs to request relief from Article II, Section 190-32 (B-1) of the Town of New Scotland Zoning law to allow for two attached signs for a new commercial use on an existing commercial building. The applicant is seeking 10.05 square feet of relief to allow the two attached signs to total 60.05 feet in area. The proposed signs are located on a lot owned by Chris and Melanie Frueh, leased to Xylem Dewatering Solutions, is located in the Commercial Hamlet District of Feura Bush at 1373 Indian Fields Road, and is identified as New Scotland tax parcel id # 107.2-2-61.

Ms. Elliott and Ms. Dolezal were in attendance to represent Mr. Frueh.

Ms. Elliott: We may not have all the information that you are interested in reviewing, I just received this application. I will do a site plan and if you like we can continue this application next month.

Mr. Baker: Explained that the Board would like to know which sign is being moved from Selkirk to the building. We would like to know why the sign, the size being requested, is necessary for the visibility factor. There are two signs on the building. What is the nature of Xylem Dewatering Solutions?

Mr. Frueh: They have large pumps, they can bypass sewers. They provide a service to the municipalities. It's a warehouse with pumps, but it's not considered retail. We may rent a pump, very light foot traffic.

Ms. Elliott: We would like to ask for an extension.

Mr. Baker opened up the meeting to the public. No public comments.

Albany County decision: Modify local approval to include a notification of the area variance application should be sent to the Town of Bethlehem, including all required notices pursuant to GML 239-nn. The Town Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in the Commercial Hamlet zone. Defer to local. Bethlehem has been notified.

Mr. Baker will keep the public meeting open until the June ZBA meeting.

- 2) **Variance Application # 524:** Application Submitted by Pat Cherko and Associates requesting relief from Article II, Section 190-15 (B) of the Town of New Scotland's Zoning Law to allow for a second story addition and front porch to be constructed within the rear set back on a corner lot. The parcel is located within the "RH" district at 189 New Salem South Road. The parcel is owned by Sasi Chucuvo, is identified as New Scotland Tax parcel id # 82.-4-42. The "RA" district has a rear setback of 30 feet. This request is for 22.5 feet of relief to allow for the structure to be located 7.5 feet from the property line.

Mr. Baker opened up the meeting to the public.

Mr. Ken Presenott, New Salem So. Rd., it is fine with me as long as he doesn't interfere with anyone else property.

Mr. Moore moved to close the public hearing and Mr. Crookes seconded the motion; all in favor; motion so carried.

Vote: 5-0

Mr. Baker read the variance guidelines:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - It will improve the neighborhood.
- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - No
- Whether the requested area variance is substantial;
 - Yes, it is somewhat substantial but the footprint is already intruding into the setback area and there is no greater increase.
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the district or neighborhood; and
 - No
- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.
 - Yes it is self-created.

Mr. Moore moved to approve variance application #524 and Ms. Abrams seconded the motion; all in favor; motion so carried.

Vote: 5-0

Old Business:

- 1) **Postponed - Update: Variance Application # 523:** Application submitted by US Solar to appeal a determination by the building inspector. U.S. Solar has proposed for a large scale solar project on a parcel that contains prime soils. Siting considerations identified in Part 2 G, Section 4.xiii of our Solar law prohibits large scale solar facilities on any site that is prime farmland or which contains prime soils. The applicant is seeking an appeal of the determination and requesting an interpretation

of this section of the law to determine if large scale solar projects are prohibited on any site or parcel that is prime farmland or has prime soils or are they allowed to be located on the site as long as the proposed project is not located within the prime farmland or on prime soils areas of a site or parcel. The proposed solar project is located on lots owned by Martha Oden and Donald Baker, to be leased to US Solar Corp, are located in the R-2 Zoning District at 331 New Scotland South Road, and are identified as New Scotland tax parcels id # 84.-1-40.11 and 84.-1-38.

Regular Meeting:

Discussion/Action minutes of April 24, 2018. Mr. Moore moved to approve the April 24, 2018 minutes and Mr. Barton seconded the motion; all in favor; motion so carried.

Vote: 5-0

Motion to adjourn: At 7:22 p.m. Mr. Moore moved to adjourn and Ms. Abrams seconded the motion; all in favor; motion so carried.

Vote: 5-0

Respectfully submitted,

Lori Saba

THE NEXT TENTATIVELY SCHEDULED MEETING June 26, 2018